

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
VALDOSTA DIVISION**

**UNITED STATES OF AMERICA,**

**v.**

**YARDLEY PAYNE,**

**Defendant.**

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**CASE NO: 7:23-CR-65 WLS-TQL-18**

**ORDER**

Previously, the Court provided the Parties with notice that this case was scheduled for pretrial conference on Wednesday, September 13, 2023, at 3:00 p.m. and for trial on Monday, October 9, 2023 (Doc. 256). In the event the case is not ready for trial, the Parties were ordered to file a motion to continue at least two days prior to the date of the noticed pretrial conference. (*Id.*)

The Defendant, Yardley Payne, filed an Unopposed Motion to Continue Trial in the Interests of Justice (Doc. 276) (“Motion”). Defendant was indicted on July 12, 2023, and his first appearance occurred on August 17, 2023. Defense Counsel requested discovery but has not yet received it. (*Id.*) Defense Counsel requests a continuance to allow him time to receive and review discovery, to make informed representations as to said discovery, and to pursue plea negotiations. (*Id.*) Defendant notes that the Government does not oppose the instant Motion. (*Id.*)

Based on the Defendant’s stated reasons, the Court finds that a continuance is required for Defense Counsel to effectively prepare for trial. The Court further finds the ends of justice served by granting such a continuance outweigh the best interests of the public and the Defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A)-(B). Therefore, Defendant’s Unopposed Motion (Doc. 276) is **GRANTED**. The Court hereby **ORDERS** that the trial in the above-referenced matter be **CONTINUED** to the Valdosta Division February 2024 term and its conclusion, or as may otherwise be ordered by the Court.

Furthermore, it is **ORDERED** that the time lost under the Speedy Trial Act, 18 U.S.C. § 3161, be **EXCLUDED** pursuant to 18 U.S.C. § 3161(h)(7) because the Court has continued the trial in this case and finds that the failure to grant a continuance (a) would likely result in a miscarriage of justice, and (b) would deny Defense Counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(i), (iv).

Additionally, the September 13, 2023 pretrial conference is **CANCELLED**.

**SO ORDERED**, this 1st day of September 2023.

/s/ W. Louis Sands

**W. LOUIS SANDS, SR. JUDGE**  
**UNITED STATES DISTRICT COURT**